

July 16, 2001

## GAO Report on the Science Advisory Board (Response)

### Summary:

The General Accounting Office (GAO), at the request of Congressman Waxman, has conducted an investigation of the policies and procedures of the Agency's Science Advisory Board (SAB) related to the selection of technical experts to serve on SAB panels. The Congressman cited concern that industry-related scientists may exert undue influence on studies undertaken by the Board. The report has found that the current policies and procedures are limited. However, the GAO did not determine whether there has been undue influence by any particular individual or in any particular cases.

The GAO report should be available at their Website ([www.gao.gov](http://www.gao.gov)).

### Background:

The SAB was established by Congress in 1978, with the charge of advising the EPA Administrator and Congress on the soundness of the technical underpinnings upon which EPA actions (e.g., regulations, research plans, etc.) are based. The 100+ Members are appointed by the Administrator to serve two-year terms. In addition, the SAB maintains a cadre of 300+ "Consultants" who are available to augment the technical talents in the Membership by bringing specialized expertise to bear on specific issues. SAB panels are formed from the ranks of the Members and the Consultants.

GAO is concerned about a) possible "conflict-of-interest( COI)" and b) "the balance of bias" on SAB panels. The former matter, COI, is addressed through the regulations of the Office of Government Ethics, whereby each panelist must submit a Confidential Financial Statement that is examined by SAB staff. That information is not available to the public. The latter matter, balance of bias, is addressed by SAB staff by selecting the membership of the panel in such a way that the biases that individuals inevitably bring to a discussion are balanced, when viewed in the whole.

### Main GAO Findings:

The policies and procedures designed and implemented by the Office of the Science Advisory Board (OSAB) have limitations. Specifically, the GAO found that

- a. Policies and procedures do not ensure in all cases that SAB peer review panelists are independent and that the panels are properly balanced.
- b. Policies and procedures do not ensure in all cases that the public is sufficiently informed about points of view represented on the panels.
- c. Other matters of concern
  - 1) Maintaining records
  - 2) Training

### OSAB Reaction:

The GAO investigation has identified a number of areas in which the OSAB policies and procedures can be improved. We have developed and are in the process of implementing changes in our operations that will have the following positive effects:

- a. Institute a more formal method of determining and documenting situations in which COI issues might arise.
- b. More aggressively open the panel formation process so that members of the public can provide input to the process, adapting processes adopted by the National Academy of Science over the past few years.
- c. Implement more thorough documentation of the process and rationale by which panelists are finally selected.
- d. Further develop the "disclosure process", wherein panelists provide a more thorough introduction of their backgrounds at public panel meetings.
- e. Improve record-keeping procedures.
- f. Implement more systematic training procedures for SAB panelists and staff.

These procedures will be discussed with the SAB Executive Committee and with the Agency's Office of the Inspector General (OIG) within the next month..

#### Other Developments:

We are aware that the National Resources Defense Council (NRDC) has initiated a two-year exercise to address the issue of COI and bias on SAB panels and other technical advisory groups at EPA. We are cooperating with NRDC in their efforts, sharing public information and suggesting analyses that would be helpful to both NRDC and OSAB.

#### Conclusion

We believe that the SAB provides objective, independent, critical analysis of Agency products through process that is indispensable to insuring "sound science". The GAO report has identified areas where improvements can be made to insure that this continues – and can more clearly be demonstrated -- to be the case.